

January 30, 2014

**Via Overnight Mail**

William H. Hyatt, Jr.  
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The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
Mail Code: 5101T  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Lower Passaic River Study Area - Administrative Settlement Agreement and Order on  
Consent for Remedial Investigation/Feasibility Study,  
CERCLA Docket No. 02-2007-2009, Effective May 8, 2007

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Dear Assistant Administrator Stanislaus:

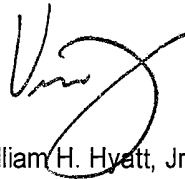
I write as Coordinating Counsel for the Lower Passaic River Study Area Cooperating Parties Group (CPG). In preparation for our meeting on January 31, 2014, we wanted to provide you with the following background information for your reference:

- January 31, 2014 Presentation slides;
- Community and Local Elected Official's Letters – Included are a number of letters drafted by local organizations and elected officials regarding the Sustainable Remedy.

These documents have previously been shared with Region 2, with the exception of the most recent community and local elected official's letters.

The CPG is looking forward to our meeting and the opportunity to discuss with you our significant work on the RI/FS and development of the Sustainable Remedy for the Lower Passaic River.

Sincerely,



William H. Hyatt, Jr.

cc: Eric Schaaf, Esquire, Regional Counsel, USEPA Region 2 Office of Regional Counsel (via overnight mail)  
Mr. Raymond Basso, USEPA Region 2 Emergency and Remedial Response Division  
Mr. Walter Mugdan, Director, USEPA Region 2 Emergency and Remedial Response Division (via overnight mail)  
CPG Members (via electronic mail)

# **EPA Headquarters Executive Briefing**

**Cooperating Parties Group  
January 31, 2014**

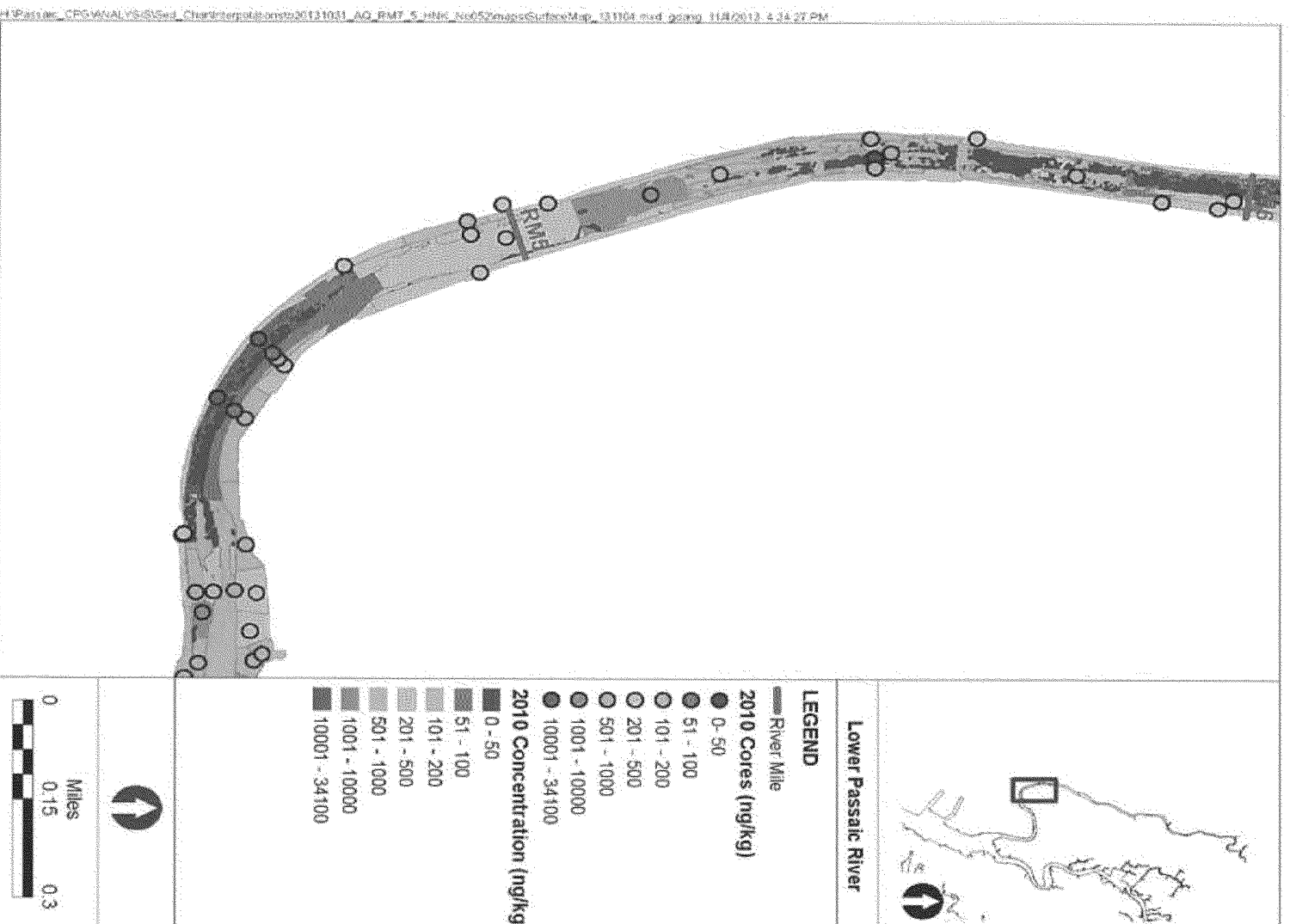
# The CPG's Sustainable Remedy

- Protective of Human Health and Environment
- Also Supports Improvement of Local Watershed and River Communities
- RI/FS and FFS Schedules Have Converged
  - RI/FS to Region 2 by end of 2014
  - Fully Develop Remedial Action within the NCP Process
  - EPA and CPG are converging on key technical issues
- Provides All Parties an Opportunity for Success

# RI/FIS Nearly Complete

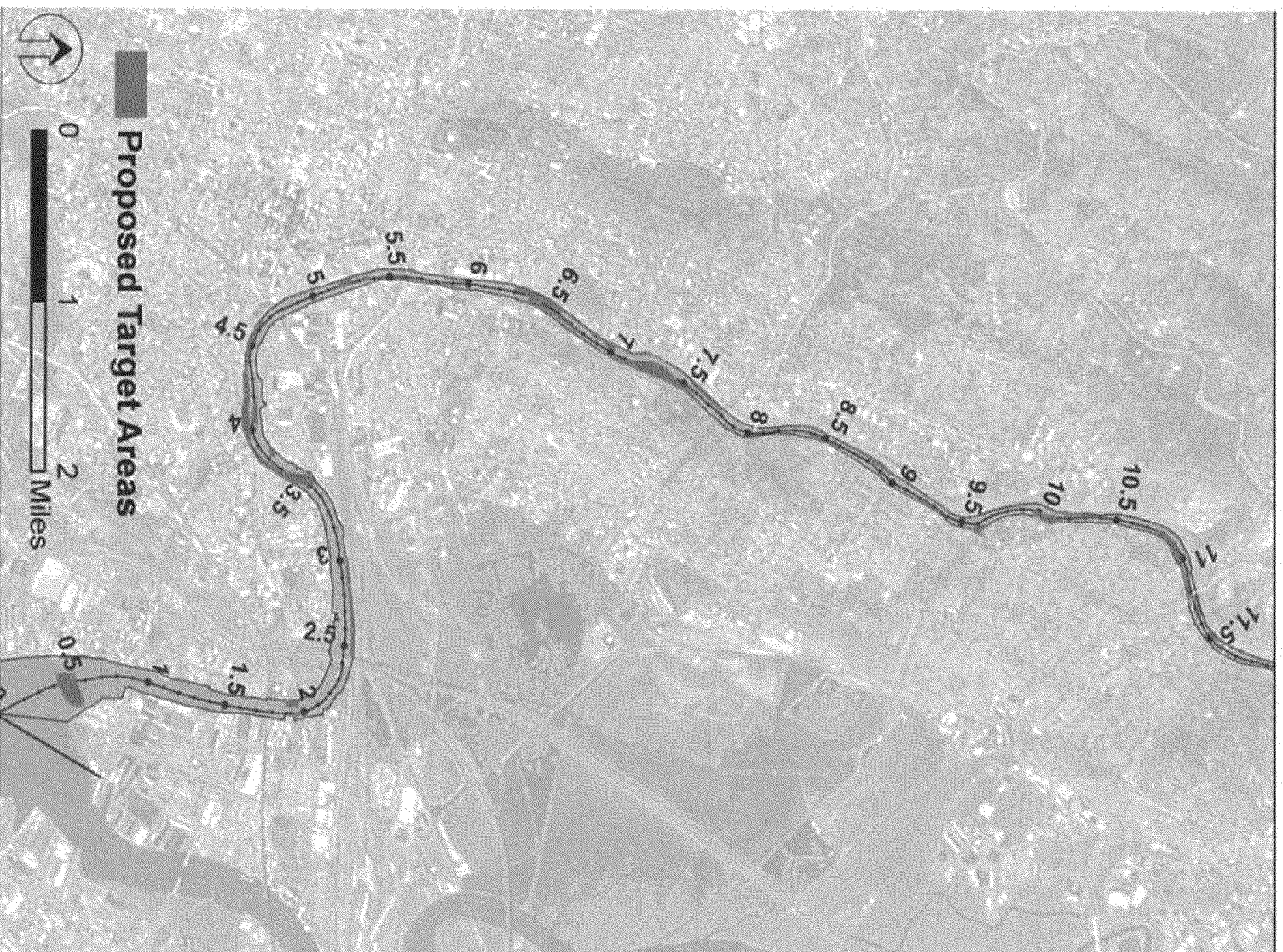
- Draft RI/FIS Scheduled for Region 2 Submission by End of 2014
- \$120+ MM RI is Basis for Remedy:
  - Sediment sampling (>1,400 locations/5000 samples)
  - Water column sampling (8 events)
  - Ecological sampling
    - Tissue sampling – 392 samples
    - Toxicity & Bioaccumulation Testing
    - Fish, benthic invertebrate, avian and habitat surveys
  - Bathymetry surveys – 2007, 2008, 2010, 2011 (2x), and 2012
  - RM 10.9 focused investigation
- Using all the data supports a Targeted Remedy

- Targeted Remedy uses multiple lines of evidence to identify structure in the data
- Removal of areas with TCDD > 500 ppt in surface sediment will reduce average surface concentrations to 120 – 150 ppt
- Concentrations of other contaminants reduced to near background levels
- Targeted remedy maximizes efficiency of remediation
- Protective of human health



# Proposed Target Areas

- Areas identified using multiple lines of evidence
- ~600,000 cy to be removed
- Will reduce surface concentrations of TCDDs by 80% and bring PCBs and other contaminants to background levels
- Exact shape of target areas to be refined in remedial design
  - RM10.9 experience

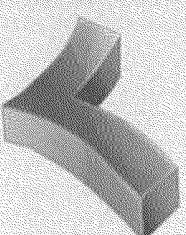




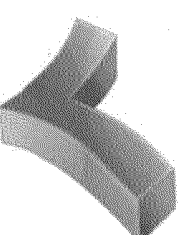
## Human Health Exposure Scenarios

Site-wide Risk After  
Remediation  
(Target Risk Range)

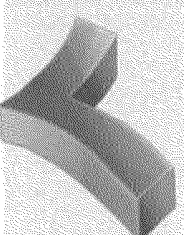
- Wader



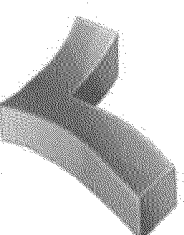
- Swimmer



- Boater



- Worker



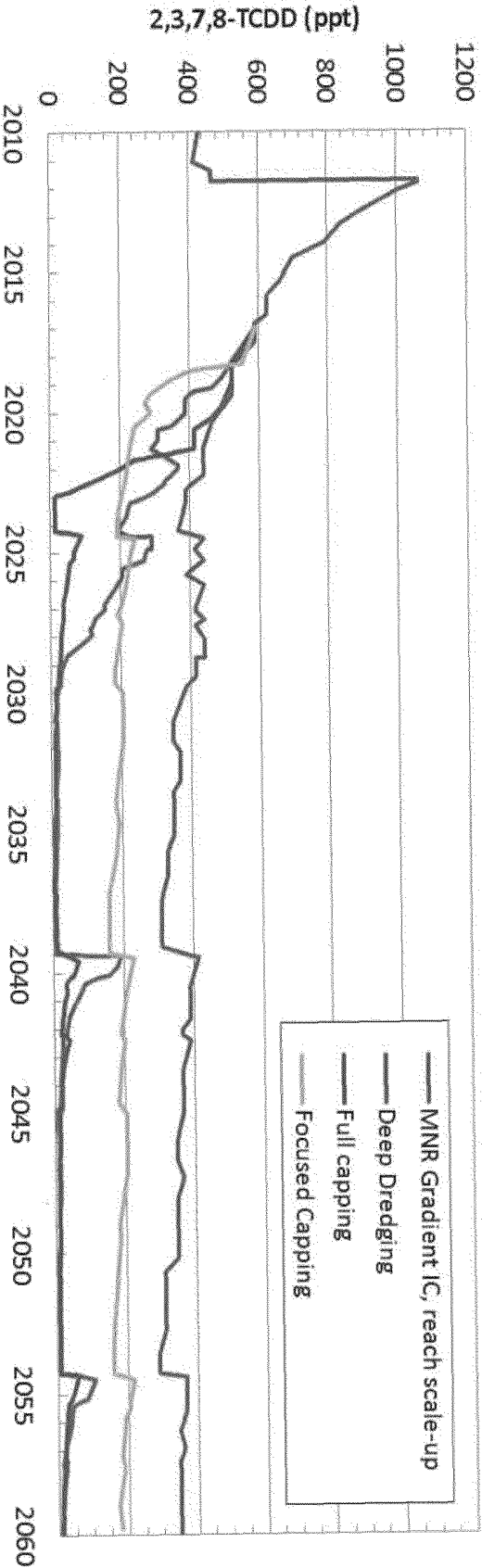
- Angler/ Fish  
Consumer

Reduced – Approaches  
Target Risk Range

# Modeling Projections Beginning to Converge

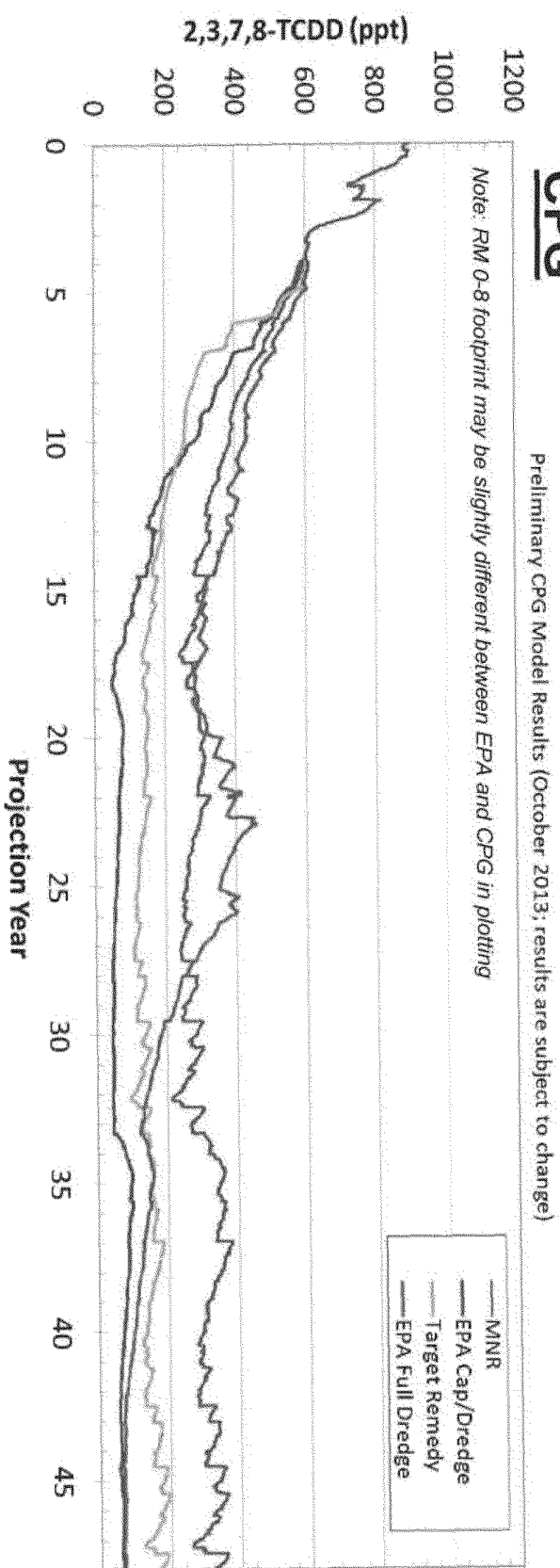
## EPA

Realistic Durations?  
Can 10 ppt be achieved?  
How does river recover after storms?



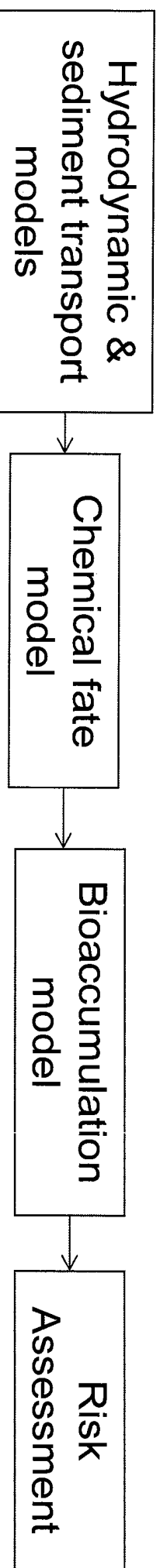
## CPG

Quicker Risk Reduction  
After 15 years, targeted and cap/dredge remedies are similar  
After 35 years all remedies are similar

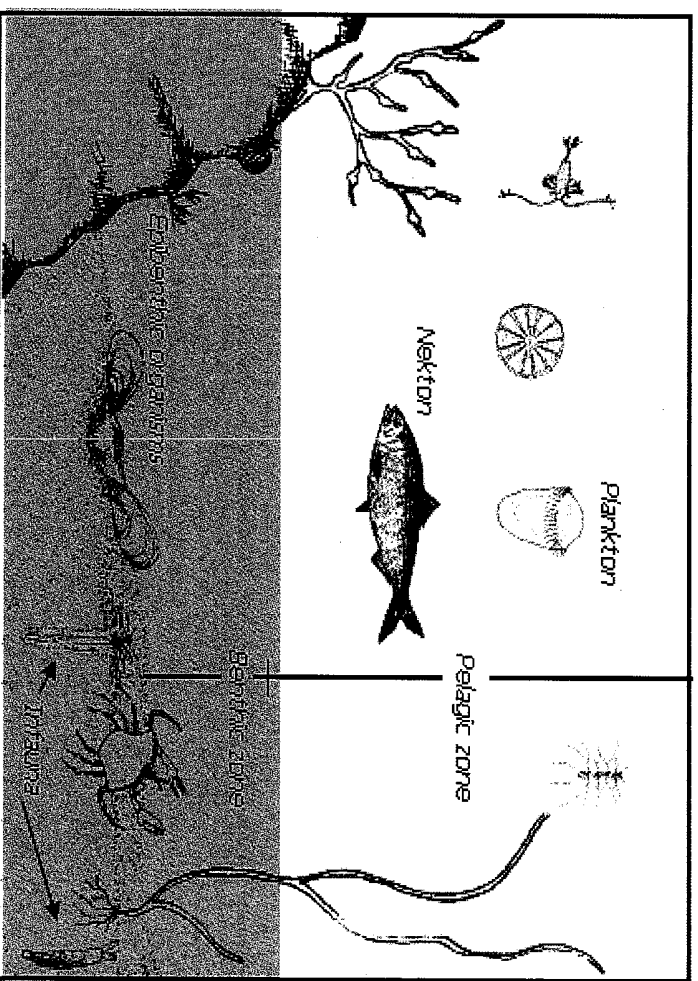




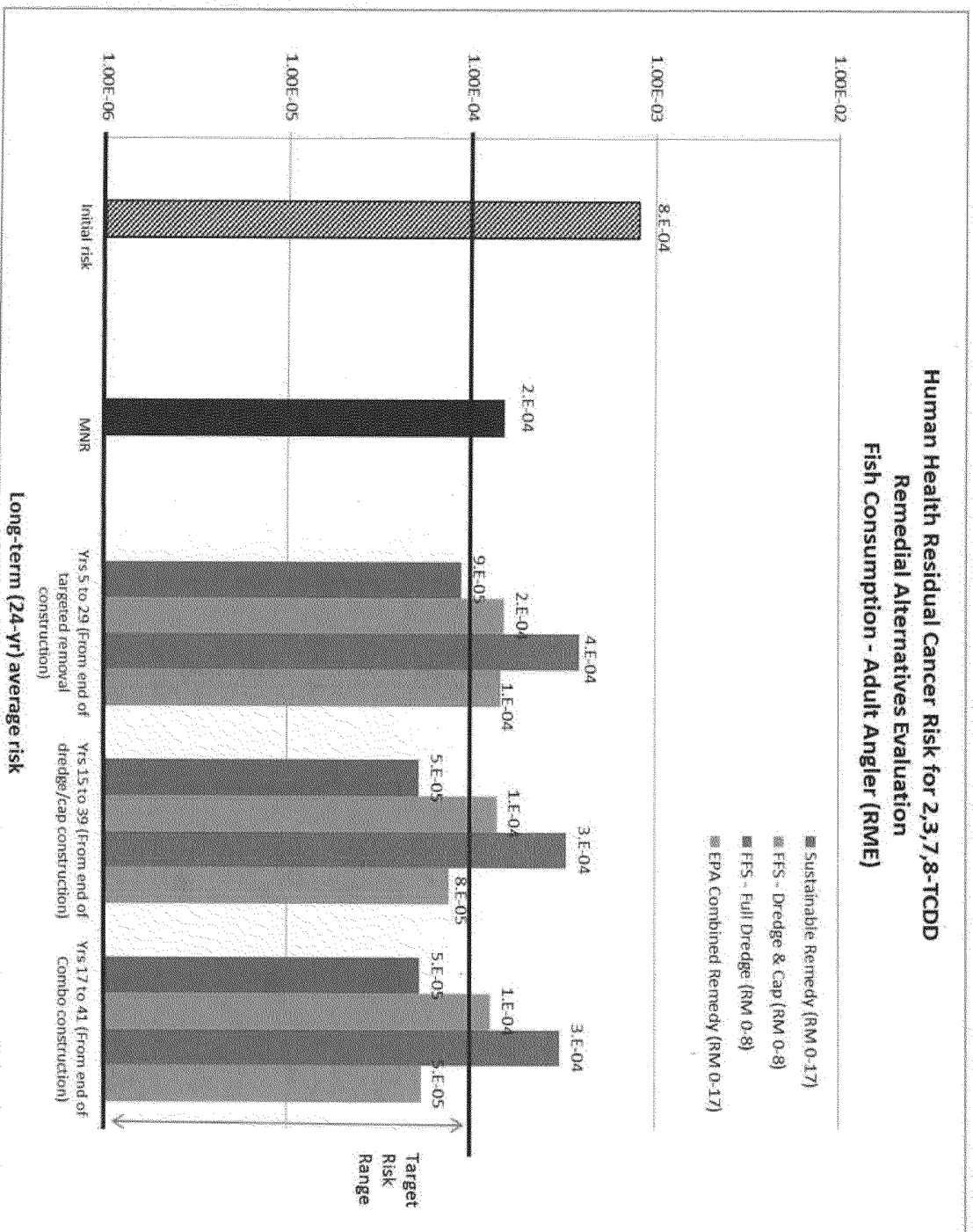
# Incorporation of Bioaccumulation Model (Required by AOC)



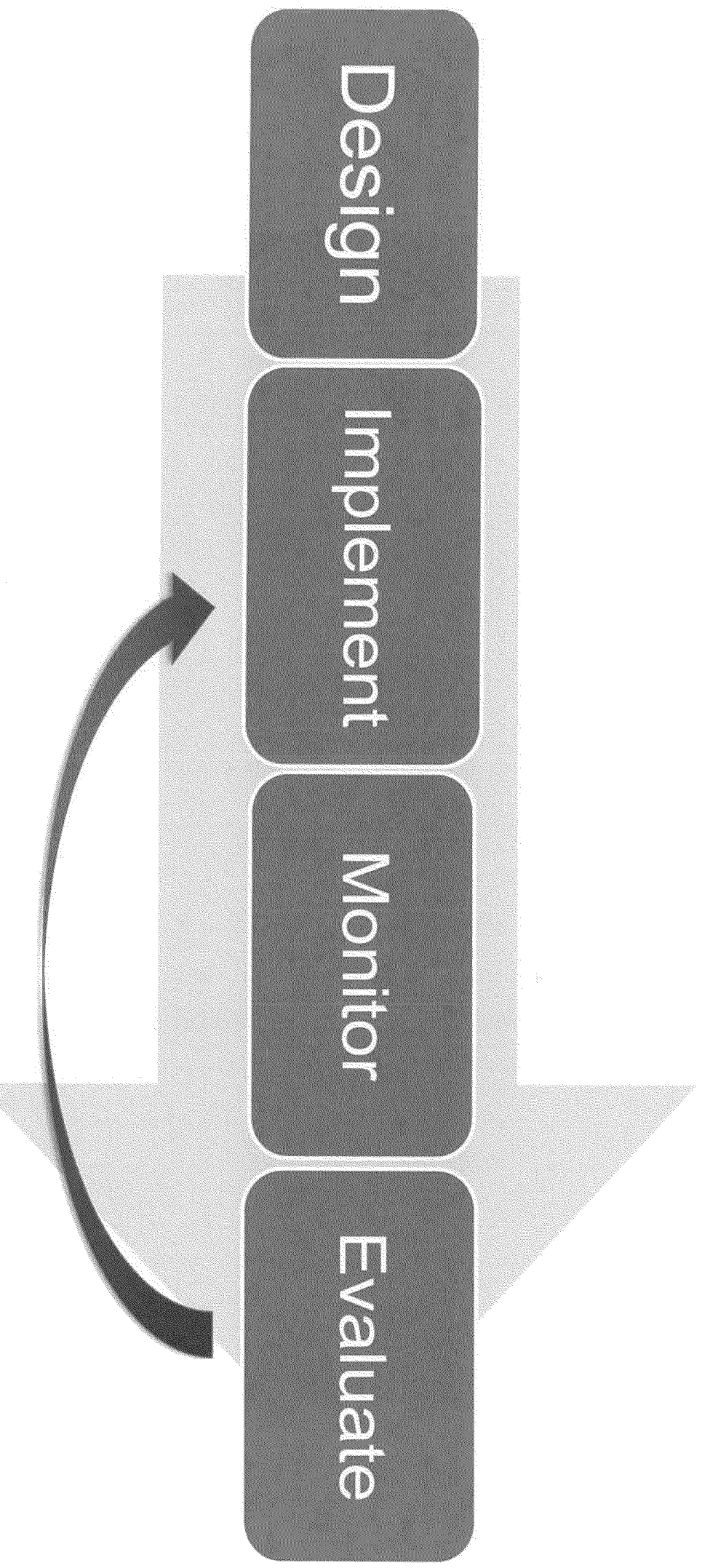
- Same model & approach as used under EPA oversight in the Lower Duwamish and Portland Harbor Superfund sites
- Used to make site-specific, long-term projections of mean tissue concentrations for evaluation of remedial action alternatives
- Conclusion: targeted remedy will adequately reduce fish tissue levels



# Remedial Alternatives Evaluation – TCDD

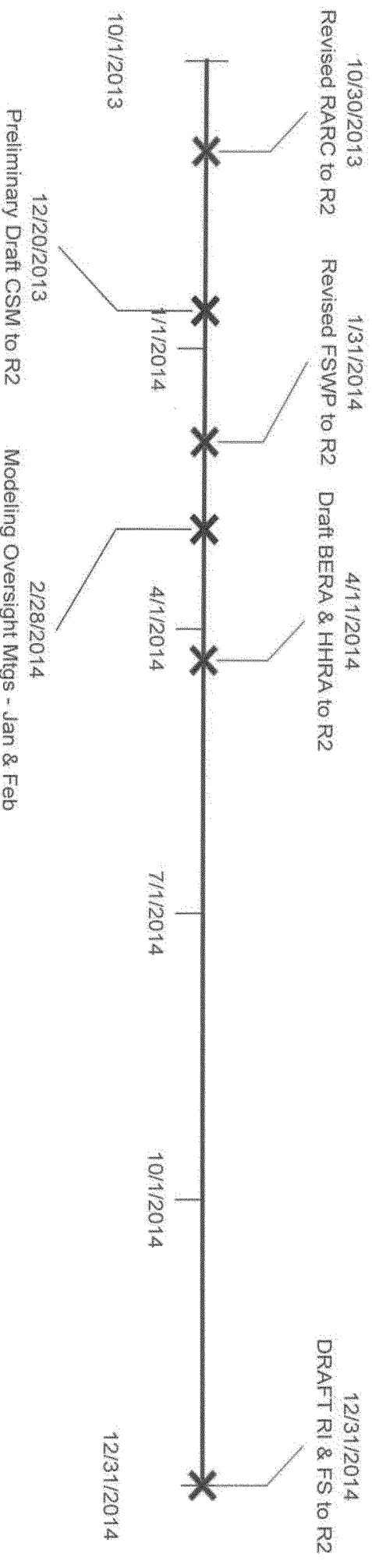


# Sustainable Remedy Based on “Adaptive Management”



How do you best address uncertainty?

# 2013/2014 LPRSA RI/FS Timeline

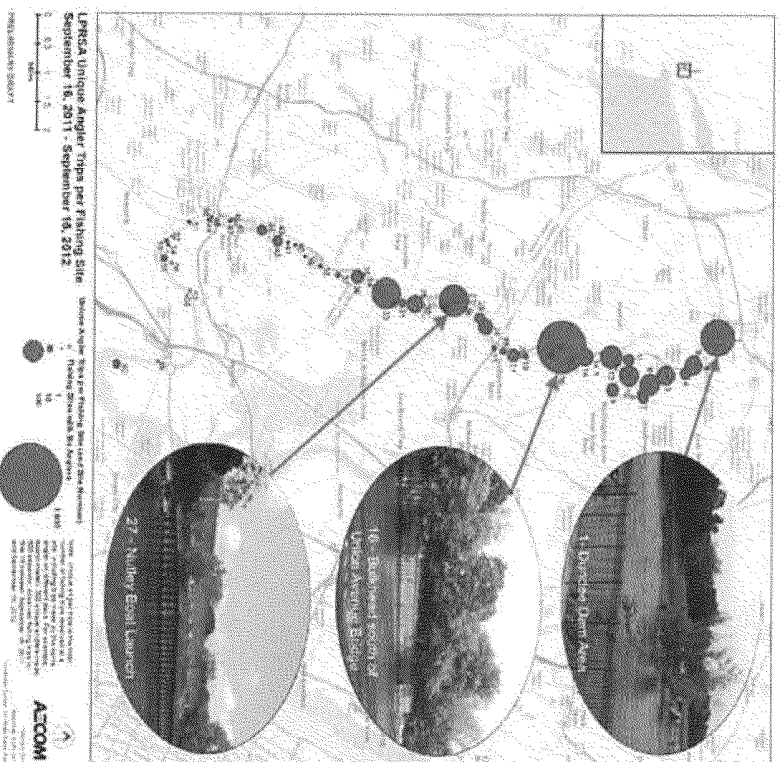


- Finish RI/FS in 2014
- Select Remedial Alternative for Entire 17-Mile Study Area

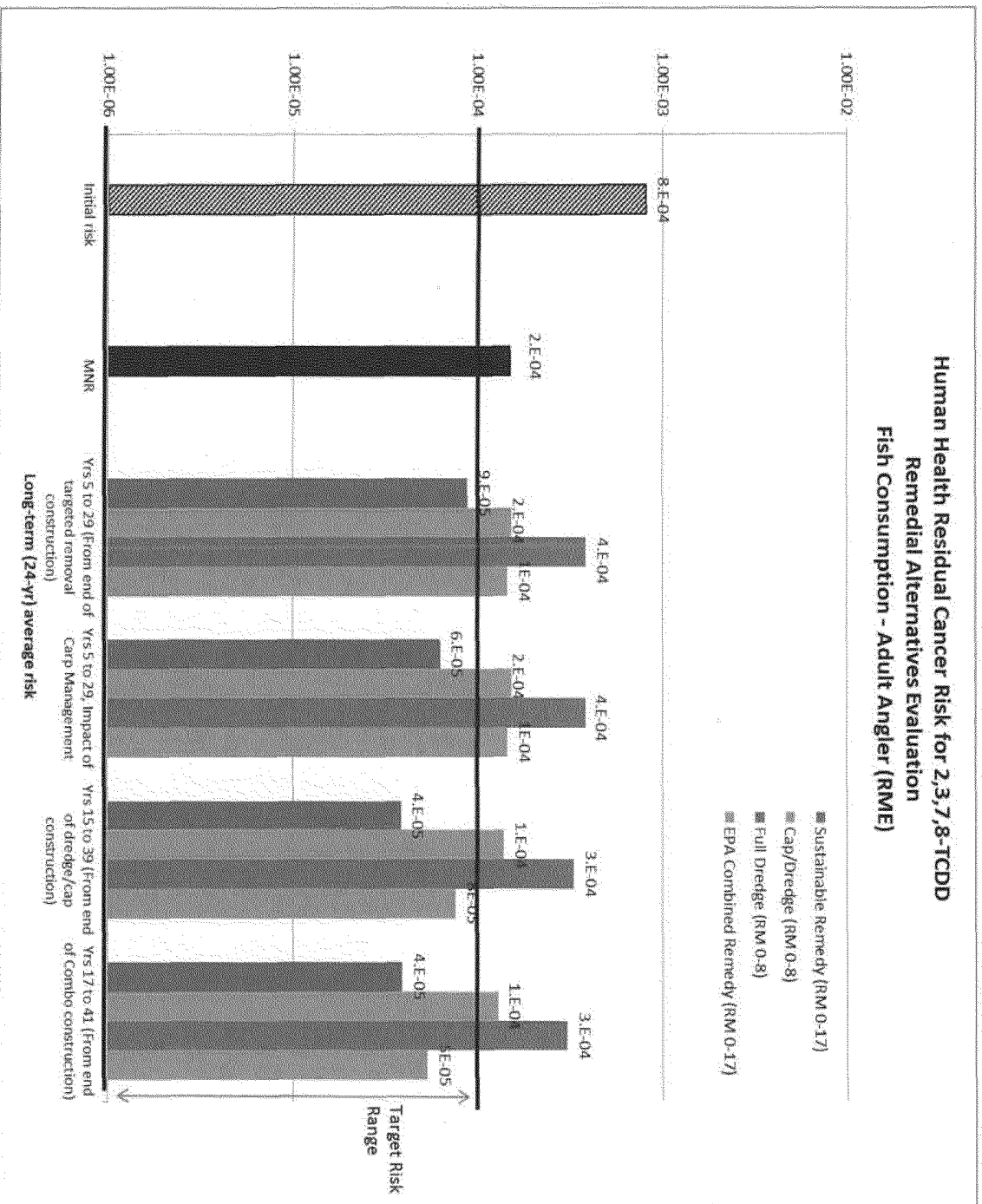
# What We Have Learned by Engaging with the Community

## Things we have heard:

- Need for rapid, effective action
- Support development
- Jobs and education
- Reconnect the communities to the river
- Involve entire community in decision-making



# Remedial Alternatives Evaluation – TCDD with Carp Management





# **2014 Fish Exchange Pilot Program**

**Goal: protect public health during remediation**

**Pilot will evaluate the efficacy of providing healthy, clean fish and vegetables to local anglers**

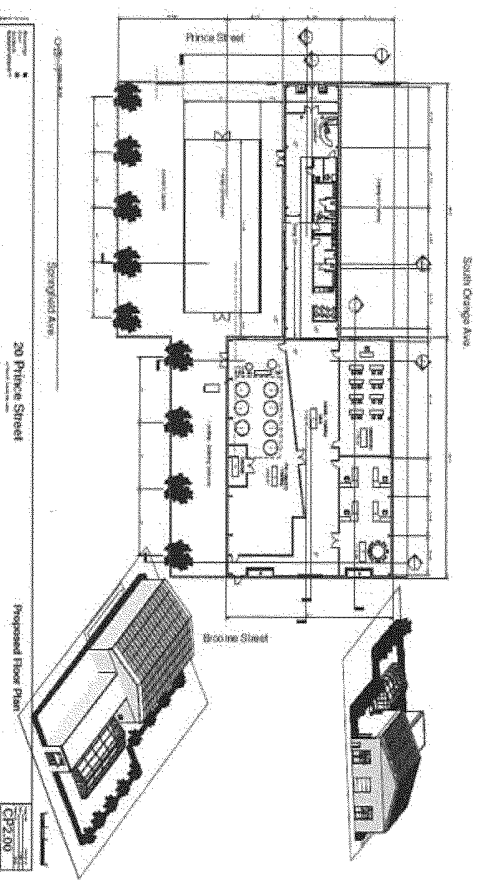
- Ongoing effort to reach out to communities to gain knowledge of local fishing habits
- Rutgers University developing program to evaluate the pilot and so that an ongoing program can be more effective
- Program would be tracked and monitored to support adaptive management

# Build Local Aquaponics Facility

CPG is teaming with:

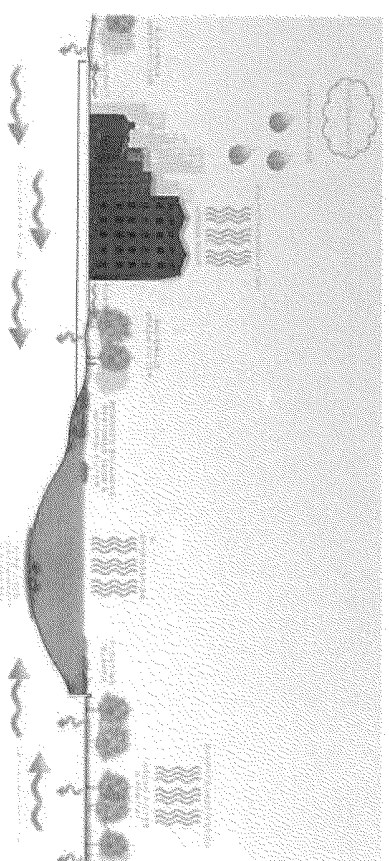
**Metropolitan Baptist Church, Rutgers University, Essex County Community College and the GI GO Fund**

- Train and employ local veterans
- Full-scale system will provide STEM education opportunities for K -12
- Grow fresh vegetables and fish in the community
- Develop a platform for a sustainable business in Newark



# CPG Implemented Program to Support Community Based Restoration

- Provided funding for sustainable master planning in Hudson County and with Passaic River Coalition
- Funded community tree farm to assure local supply of plants for future restoration
- Negotiating NRD restoration opportunities with trustees
- Designing park restoration in Lyndhurst



# Site Plan



1. AMPHITHEATER SEATING STEPS NORTHERN RIVERWALK TERMINUS
2. PUBLIC BOAT LAUNCH RAMP AND FLOATING DOCK (CURRENTLY EMERGENCY OFFICIAL USE ONLY)
3. RIVERWALK (PRIMARY PATHWAY)
4. RIVERWALK (SECONDARY PATHWAY, PEDESTRIAN USE) WITH LEARNING NODES PERMEABLE PAVEMENT.
5. REGENERATED RIPARIAN FOREST HABITAT
6. (REGENERATED RIVER BRIDGE) TIDAL MARSH HABITAT (LOW + HIGH)
7. SMALL WATERCRAFT BOAT LAUNCH AND FLOATING DOCKS
8. RECONFIGURED PARKING LOT (EXTENDED AREA AND PERMEABLE PAVEMENT)
9. EVERGREEN BUFFER SCREENING EXISTING UTILITIES AND STORAGE BUILDING
10. ENVIRONMENTAL EDUCATION CENTER
11. OPEN LAWN / GATHERING SPACE
12. EXISTING PICNIC PAVILION WITH TABLES
13. BOARDWALK OVERLOOK
14. UPLAND MEADOW HABITAT
15. EXISTING PARKING LOT
16. STORMWATER TREATMENT / WET MEADOW HABITAT
17. EXISTING BOCCIE COURTS
18. BRIDGE AND BOARDWALK OVERLOOK
19. EXISTING BASEBALL FIELD
20. OVERLOOK / SOUTHERN RIVERWALK TERMINUS

# Summary

## The Sustainable Remedy

- Protective of Human Health and the Environment
- Satisfies NCP and consistent with EPA guidance
- Based on comprehensive RI and Addresses Entire Study Area
- Incorporates experience gained in removal actions
- If not protective, CPG commits to further remediation
- CPG is committed to making this work

# MRCDC

149 Springfield Avenue  
Newark, New Jersey 07102

December 16, 2013

Hon Regina McCarthy  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Dear Administrator McCarthy

As Chairman of the Metropolitan Reassertion Community Development Corporation, I write to you on behalf of our 5,500 members to ask you to speak with the Environmental Protection Agency Region 2 and encourage them to consider the Sustainable Remedy during the review of remedial alternatives for the Lower Passaic River.

We believe that the Sustainable Remedy is the right solution for the Lower Passaic River as it will be less intrusive, take less time than the alternatives and include projects that can benefit both the River watershed and our communities.

One such project is taking place right now in the City of Newark.

The Lower Passaic River Study Area Cooperating Parties Group (CPG) is working with Rutgers University, Metropolitan Baptist Church and many other community organizations on the development of a new aquaponics facility and veterans' jobs/training program on Prince Street.

This program will involve raising hybrid striped bass and the cultivation of fresh, locally grown vegetables in a green environment. In addition, experts from Rutgers University will train veterans in a number of important skillsets like aquaculture, hydraulic system operations, water treatment and construction and maintenance of green infrastructure projects.

As is the case with many urban areas, there are areas in the City of Newark where residents do not have access to fresh, healthy food at a reasonable cost. While the City Administration's efforts have increased the amount of options available to residents, more needs to be done to increase access to safe, healthy food. A new aquaponics

Metropolitan Reassertion Community Development Corporation



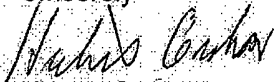
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program would be of tremendous value and benefit our community, as it will provide a clean, safe source of affordable protein for our citizens.

The program would also: provide much needed jobs and training to local unemployed and homeless veterans; give educational opportunities for children in the City; reduce health risks for individuals who continue to catch and eat fish from the Lower Passaic River; and help to turn Prince Street – with the Greater Newark Conservancy just next door – into a truly green environment that can be enjoyed and valued in our community. We wholeheartedly welcome this new aquaponics program to the City of Newark and believe that other projects like it should be implemented to help improve the Passaic River watershed.

We respectfully request that you speak with representatives from EPA Region 2 and encourage them to consider the Sustainable Remedy and the positive impacts of the aquaponics program on the Lower Passaic Region.

Sincerely



Hubert Graham  
Chairman Metropolitan Reassertion  
Community Development Corporation

Metropolitan Reassertion Community Development Corporation



# 25th Anniversary Fund Established to Secure Greater Newark Conservancy's Future

In the spring of 2012 Greater Newark Conservancy announced the creation of a 25th Anniversary Fund, commemorating the hallmark anniversary of the organization's founding and to honor Walter and Judy Shipley's tremendous generosity to the Conservancy and its efforts to establish its urban environmental center in downtown Newark, now known as The Judith L. Shipley Urban Environmental Center.

"The 25th Anniversary Fund is a revolving fund to provide financial security during economic downturns and major unanticipated expenses," explains James M. Porter, a member of the Conservancy's Board of Directors and one of the Co-Chairs of its Development Committee.

"The Fund was launched with a generous \$50,000 gift from the Robert Hugin Family of Summit. Our goal is to raise \$750,000 to ensure the future operation of the Urban Environmental Center's Main Building and the successful implementation of our programming over the next 25 years."

The Fund also will help secure the Conservancy's ability to continue to expand its programming which serves low income, inner-city residents in Newark and in nearby urban environs. To date just over \$238,000 has been raised for the Fund. Generous contributions include the following: \$10,000 from Frank Bennack, \$30,000 from Mr. and Mrs. Stephen Whitman,

\$25,000 from Tishman Speyer Properties, \$25,000 from J.P. Morgan Chase, \$60,000 from the William Randolph Hearst Foundation, and \$25,000 from an anonymous donor.

"Our 25th Anniversary Fund builds on the Conservancy's 25-year-old foundation. I urge everyone who believes in our work to make a generous contribution to the Fund to help provide a secure future for the Conservancy and the many constituents that we serve," concludes Porter.

To make a donation to the 25th Anniversary Fund, contact Greater Newark Conservancy at 973-642-4646 or visit [www.citybloom.org](http://www.citybloom.org).

## A Tree Farm Grows in Newark *continued*

Our 2.5 acre site on Hawthorne Avenue in the South Ward will become a terrific food production resource, with 1.5 acres designated as a market farm and half an acre as a tree farm. Also we are happy to announce that the Hawthorne Avenue School children have christened this green space the "Hawthorne Hawks Healthy Harvest Farm" after their own school mascot.

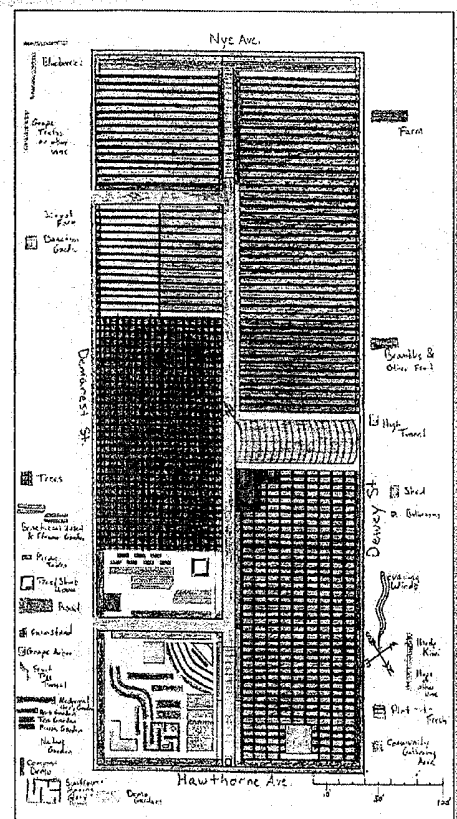
Most recently, the Conservancy gained a new tree farm at the corner of S. 16th Street and 15th Avenue in Newark's West Ward, an addition which was graciously funded by the Lower Passaic Cooperating Parties Group (LPCPG). In addition, a lot on Astor Place in the East Ward is being used to heal in trees for the winter – about 150 baby trees are huddled there, and will be ready for greening Newark in the spring!

How will they green Newark, exactly? Well, trees that are grown on our tree farms will be available for purchase by individuals or corporations, or even the city itself. We will also be distributing some of them to the

community. The ultimate goal will be to get these beauties planted, whether on city streets, in local parks, or in people's yards. And the Conservancy isn't stopping with what they currently have. "There are plans to add about a dozen more tree farms of various sizes to our program," says Executive Director Robin Dougherty, "And Newark will only become greener and more healthy as the city's tree canopy expands."

Besides increasing the green space of Newark, the tree farm program was also integral in clearing the way after Hurricane Sandy struck, and will continue to aid the city with safety measures. In the weeks ahead, software training in preparation for a city-wide tree inventory will begin in earnest, along with ongoing disease prevention and diagnosis studies and additional safety and training programs. Also, as part of the program, the Conservancy recently completed its first chain saw safety class and power tool training program.

Not bad for a program that just started less than six months ago!



Sample drawing of the  
"Hawthorne Hawks Healthy Harvest Farm"

# THE G.I. GO FUND

WHERE VETERANS GO FORWARD

Newark City Hall • 920 Broad St., Rm B28 • Newark, NJ 07102 • (973) 802-1479 • (Fax) 732 377-8032 • [www.gigofund.org](http://www.gigofund.org)

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January 28, 2013

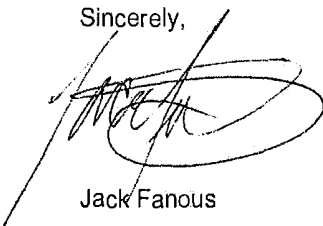
To whom it may concern,

I am writing to express our enthusiastic support for a pilot program that is exactly in line with the mission of our organization as well as the stated goals of HUD and President Obama related to supporting our military veteran community.

My organization, the GI Go Fund, is a leader in creating innovative solutions to helping veterans find employment, access housing and secure their educational and health benefits. The pilot program in question is an aquaponics and fish exchange project being implemented right here in Newark. This project will seek to hire and train veterans to operate an aquaponics facility which will raise clean, healthy fish in a sustainable environment and then provide them to people who catch and eat fish out of the Lower Passaic River despite the longstanding ban on consumption of fish there. In this way, the program will both support our efforts with veterans and address a longstanding health risk issue.

This aquaponics program is part of a much larger cleanup proposal called the Sustainable Remedy, which advocates an aggressive cleanup of sediment in the River and combines that with community-centered projects like aquaponics. By supporting the Sustainable Remedy, we are working toward both a healthier Lower Passaic and a healthier community here in Newark. We urge you to support this Sustainable Remedy as exactly the kind of innovative solution that this community needs.

Sincerely,



Jack Fanous

Executive Director, The GI Go Fund

NEREID BOAT CLUB  
201-438-3995  
www.nereidbc.org



350 Riverside Avenue  
P.O. Box 1678  
Rutherford, NJ 07070

October 30, 2013

The Honorable William Pascrell, Jr.  
Rayburn House Office Bldg., Rm. 2370  
Washington, DC 20515

Dear Congressman Pascrell:

I am writing to you today on behalf of Nereid Boat Club, Inc., to request that your office ask EPA Region 2 to fully consider the merits of the Sustainable Remedy developed by the Lower Passaic Cooperating Parties Group as part of its review of remedial options for the Lower Passaic River.

Nereid appreciates your past vigorous support for its activities and the recovery of the Passaic River as an economic and recreational asset for northern New Jersey. As you know, Nereid is a rowing club of some 130 adult "masters" members located in Rutherford and first established in 1868. Nereid also sponsors a youth program with some 90 members and hosts the scholastic crew teams of both Montclair High School and Ridgewood High School. I enclose a copy of the recent *Bergen Record* article about the successful 13<sup>th</sup> annual Head of the Passaic Regatta hosted by Nereid and its down-river compatriot club located in Lyndhurst. We have dozens of members out on the Passaic every day for nine months of the year.

It is from this perspective and with this long 'on the river' experience that we request a good faith and serious consideration by EPA Region 2 of the Sustainable Remedy developed by the Cooperating Parties Group. At present, EPA has stated that it plans to release a Focused Feasibility Study and Proposed Remedial Action Plan (FFS/PRAP) for this area later this year and that the Region is likely to recommend a bank-to-bank dredge of the entire lower 8 miles. We have concerns that this remedy may be too narrowly focused on sediment contaminants alone.

While we appreciate the importance of remediating sediment contamination and the hard work that EPA Region 2 has done related to this issue, the environmental issues that impede development of the Passaic as a recreational asset are much broader. As rowers, we are particularly concerned with Combined Sewer Overflow runoffs and the 'floatables' (from tires to lumber to household trash) that get dumped into the river on a regular basis. We believe that the alternative Sustainable Remedy will be a serious effort to address such issues.

EPA Region 2 is aware of the substantial logistical challenges encountered during the sediment dredging pilot program recently undertaken in Lyndhurst. The bank-to-bank dredge of the entire lower river as planned in the Region 2 FFS/PRAP potentially removing hundreds of times as much material would likely be a process that would take decades, will address only sediment contaminants and would leave the floatables and sewer overflows unaddressed. After all the time we have waited for meaningful action on the Lower Passaic, and with action potentially so

close at hand, let's make sure we choose a remedy that is right for the Lower Passaic and for our communities.

Nereid would be happy to give you or your staff a first-hand look at the river and our concerns.

Sincerely,

Peter Willcox  
President, Nereid Boat Club, Inc.



JOHN T. VAN DER TUIN  
16 Elsway Rd.  
Short Hill, New Jersey 07078

March 14, 2013

Judith A. Enck  
Regional Administrator, Region 2  
U.S. Environmental Protection Agency  
290 Broadway  
New York, New York 10007-1866

Re: Lower Passaic River Restoration Project

Dear Administrator Enck:

I have spent, literally, thousands of hours on the lower Passaic River, from roughly mile 7 to mile 15, over the last decade rowing my shell and working with other masters and youth rowers on regattas and river improvement projects.<sup>1</sup> So, I enthusiastically endorse the Restoration Project you are engaged in to remediate the lower Passaic and make it a valuable recreational asset for all of us in the metropolitan area. I hope it bears fruit in my lifetime.

I do have a concern, however. Sometimes it is just beautiful to see the dozens of shells out on the river; other times it just, literally, stinks or is so clogged with floatables as to be unrowable. I am thus, concerned, that in addition to, and of equivalent importance to, the effort to remove contaminated sediments, there must be an effort to address CSO's, clean up floatables, restore the riverbanks and improve and regulate adjacent development. I fear that a single-minded focus on sediment dredging and removal – in addition to being extraordinarily expensive and disruptive to the use of the river – will neglect these other, and equally important, efforts. In this regard, I note that the goals of the Lower Passaic River Restoration Project are five, and extend beyond sediment removal:

- remediation of contaminated sediments
- improve water quality
- restore degraded shorelines
- restore and create new habitats
- enhance human use.

I understand that the Lower Passaic River Study Area Cooperating Parties Group has nearly completed a study and alternative plan that would address all of the goals of the Restoration Project. I haven't seen it, and thus can't yet endorse its details, but I would urge that the EPA Focused Feasibility Study not be advanced until the CPG study is complete and can be considered, with open minds, as an alternative or complement to the Focused Feasibility Study.

Thank you.

Very truly yours,



John Van Der Tuin

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<sup>1</sup> In my professional life, I have also represented community groups and companies to enforce the provisions of environmental statutes and regulations. See, e.g., *Coalition for a Liveable West Side, Inc., et al. v. New York City Dep't. of Environmental Protection*, 830 F.Supp. 194 (S.D.N.Y. 1993); *Coalition Against Columbus Center, et al. v. City of New York*, 769 F.Supp. 478 (S.D.N.Y. 1991); *In the Matter of Coca-Cola Bottling Co. of New York v. Bd. of Estimate*, 72 N.Y.2d 674 (1988). I am not an apologist for corporate polluters.

Judith A. Enck  
March 14, 2013  
Page 2

cc: [kluesner.dave@epa.gov](mailto:kluesner.dave@epa.gov)  
[vaughn.stephanie@epa.gov](mailto:vaughn.stephanie@epa.gov)  
[rgermann@lowerpassaicpg.com](mailto:rgermann@lowerpassaicpg.com)

Peter Willcox  
206 Fernwood Avenue  
Upper Montclair, New Jersey 07043

March 12, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Dear Regional Administrator Enck:

As the President of the Nereid Boat Club, and as an avid rower on the Lower Passaic River, I'm writing to you today to express my concern about the Environmental Protection Agency's upcoming FFS completion.

I have been a member of the Nereid Boat Club for eight years and have served on Nereid's Board of Directors for six years. Though I did not grow up near the Passaic River, I did begin to realize the recreational opportunities that the Lower Passaic River could offer when my daughter, Katherine, began rowing for Montclair High School Crew, one of the top high school teams in the County. Katherine introduced me to the sport of rowing and, after she graduated from Montclair High School in 2009, I continued my rowing and my love for the River has only grown.

For years, the people living by the river have seen the Passaic as a blight on their communities. For me, before my daughter joined the Montclair H.S. Crew team, the closest I ever got to the Passaic River was when I was driving by on Route 2. The efforts of the Nereid Boat Club and others who use the River have helped to change that negative perception; now when they see our rowers on the River, I hope that they can see the River as a recreational amenity that they should use and enjoy.

I strongly urge the EPA to consider all before embarking on its cleanup efforts. If the EPA decides to move forward with its FFS, it will negatively impact our communities for decades, prevent our boat club and other members of the public from enjoying the River and do nothing to address the upper 9 miles of the River – in fact probably making that part of the cleanup more complicated.

I urge you to allow the RI/FS to be completed, examine all remedies for the entire 17 miles of the Lower Passaic River Study Area and strongly consider the Sustainable Remedy that has been proposed by the Cooperating Parties Group. This remedy will remove the greatest amount of risk from the river fastest and also reduce ongoing pollution that continues to enter the River every day.

Sincerely,

Peter Willcox



## NEW JERSEY SENATE

RONALD L. RICE  
SENATOR, 28TH DISTRICT  
1044 SOUTH ORANGE AVENUE  
NEWARK, NEW JERSEY 07106  
(973) 871-5665  
FAX: (973) 371-6738

COMMITTEES  
VICE-CHAIRMAN  
COMMUNITY AND URBAN AFFAIRS  
CO-CHAIRMAN  
JOINT COMMITTEE ON  
THE PUBLIC SCHOOLS  
MEMBER  
HEALTH, HUMAN SERVICES AND  
SENIOR CITIZENS

December 4, 2013

Honorable William Pascrell  
Robert A. Roe Federal Building  
200 Federal Plaza - Suite 500  
Paterson, New Jersey 07505

Dear Congressman Pascrell:

As the New Jersey State Senator representing the 28<sup>th</sup> Legislative District, I am sending this correspondence to you to respectfully request for your assistance in getting the EPA Region 2 to be objective and to look at all of the merits of the "Sustainable Remedy" as part of its review of remedial options for the lower Passaic River.

It is my understanding that EPA Region 2 has stated that it plans to release a Focused Feasibility Study and Proposed Remedial Action Plan (FFS/PRAP) for this area in the near future. It is alleged that the Region is likely to recommend a bank to bank dredge of the entire lower 8 miles. *My constituents and local elected officials have concerns that this remedy will be time consuming, problematic to the community and lacks the kind of flexibility needed for adjustment if its goals are not being met.*

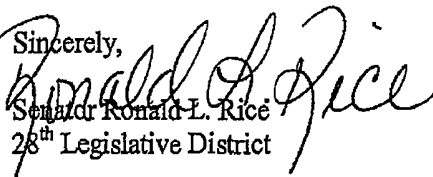
The work that EPA Region 2 has done that is related to the FFS/PRAP, to date is certainly appreciated, however, I am asking that the region take a more objective and substantial look at the realities associated with the issues involved in removing millions of cubic yards of material from this congested and urbanized waterway.

If the "Sustainable Remedy" as an alternative remedial option can be implemented quicker, and with less of a negative intrusive impact and still be effective and allows for the opportunity for additional work if needed, why not give it serious consideration? I am told that this remedy not only addresses the contaminated sediment, this remedy would reduce the pollution that continues to enter the river because it includes green infrastructure projects.

The challenges involved in the removal action ongoing in Lyndhurst should be indicators of what to expect with the bank to bank dredge. This process would have for many years into the future a negative impact on our communities.

In closing, I thank you for taking the time to read this letter to you and for your consideration of my request on behalf of our constituents

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald L. Rice". The signature is written in dark ink and is positioned to the right of the printed name.

~~Senator Ronald L. Rice~~

28<sup>th</sup> Legislative District

The New Jersey State Chamber of Commerce  
216 West State Street  
Trenton, NJ 08608



(609) 989-7888  
[www.njchamber.com](http://www.njchamber.com)

October 25, 2013

The Honorable Robert Menendez  
U.S. Senator  
528 Senate Hart Office Building  
Washington, D.C. 20515

Dear Senator Menendez:

As you know, the New Jersey State Chamber of Commerce ("State Chamber") is recognized as an independent voice of business in the State of New Jersey. With a broad membership ranging from Fortune 500 companies to small proprietorships, representing every corner of the State and every industry, our members provide jobs for over a million people in New Jersey. We continue to work towards promoting a vibrant business environment and economic prosperity through vision, expertise and innovative solutions.

With our mission in mind, we are writing to you today to request that your office ask the Environmental Protection Agency (EPA) Region 2 to seriously consider the Sustainable Remedy during its review of remedial options for the Lower Passaic River Study Area.

While the final Focused Feasibility Study has not been released yet, we understand that EPA Region 2 is planning to move forward with a plan for bank-to-bank dredging of the entire lower 8 miles of the Lower Passaic River. As New Jersey's State Chamber, we have real concerns that this approach would take decades to complete and would deter business development in River communities in Essex, Hudson, Passaic and Bergen counties for years to come.

We understand that the Lower Passaic River Study Area Cooperating Parties Group (CPG) has proposed a Sustainable Remedy that could be implemented more quickly and would be less intrusive to communities and area businesses. Furthermore, the shorter implementation schedule of the Sustainable Remedy when compared to a bank to bank dredge could encourage new businesses to invest in and develop new projects in the Passaic River region.

In addition to addressing contaminated sediment, this remedy also includes green infrastructure projects that would reduce the pollution that continues to enter the River. These infrastructure projects would also bring new employment and improve the quality of life opportunities for New Jersey citizens.

We appreciate the opportunity to express our views and respectfully request that you ask EPA Region 2 to strongly consider the Sustainable Remedy during its review of remedial options for the Lower Passaic River.

Sincerely,

Michael Egenton  
Senior Vice President  
Government Relations

---

**The New Jersey Chamber of Commerce - Our Business is Your Business**

For information, visit [www.njchamber.com](http://www.njchamber.com), or call (609) 989-7888



New Jersey  
**ALLIANCE for ACTION INC.®**

PHILIP K. BEACHEM  
*President*

P.O. Box 6438 • Raritan Plaza II • Edison, New Jersey 08818-6438  
(732) 225-1180 • FAX (732) 225-4694  
[www.allianceforaction.com](http://www.allianceforaction.com)

GERALD T. KEENAN  
*Executive Vice President*

CLIFFORD HEATH  
*Senior Vice President*

October 16, 2013

Hon. William Pascrell, Jr.  
U.S. House of Representatives  
2370 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Pascrell:

On behalf of 2,400 members of the New Jersey Alliance for Action I am writing to you to encourage the US Environmental Protection Agency (EPA) Region 2 to consider the Sustainable Remedy proposal during its review of remedial options for the Lower Passaic River Study Area.

As you may know, New Jersey Alliance for Action is a non-profit, non-partisan statewide coalition comprised of business, labor, professionals, academic and government leaders. For the past 39 years, the Alliance has been an advocate of investment in infrastructure for New Jersey's economy, environment and quality of life.


While the final FFS has not been released, we understand that EPA Region 2 will recommend a bank-to-bank dredge of the lower 8 miles. The Region is now well aware of the significant logistical challenges encountered during the removal action at River Mile 10.9 in Lyndhurst. A bank-to-bank dredge potentially removing hundreds of times more material – when compared to the Lyndhurst removal action – would be a substantial drag on our economy for a very long time.

We believe that the EPA should take an objective look at the practical issues involved in removing millions of cubic yards of sediment from the River in this heavily urbanized area. We hope that the EPA will consider all of these important factors prior to the release of its Focused Feasibility Study and Proposed Remedial Action Plan (FFS/PRAP) for the River.

The Sustainable Remedy proposal would be less intrusive to communities and businesses, could be implemented more quickly and still allow the opportunity for additional work if results are not achieved. Jobs would also be created through the green infrastructure projects that are included in the Sustainable Remedy.

We respectfully request that you discuss with the EPA the overall cleanup of the Lower Passaic River and ask that the Agency take a closer look at the Sustainable Remedy proposal as it considers its final recommendation.

Sincerely,

  
Philip K. Beachem  
President

COUNTY ALLIANCES

Atlantic • Bergen • Burlington • Camden • Essex • Gloucester • Hudson • Mercer • Middlesex • Monmouth • Morris • Ocean • Somerset

New Jersey  
**ALLIANCE for ACTION INC.**

PHILIP K. BEACHEM  
*President*

P.O. Box 6438 • Raritan Plaza II • Edison, New Jersey 08818-6438  
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GERALD T. KEENAN  
*Executive Vice President*

CLIFFORD HEATH  
*Senior Vice President*

March 18, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Dear Regional Administrator Enck:

On behalf of the hundreds of companies and thousands of employees of member companies that we represent in the State of New Jersey, the New Jersey Alliance for Action is writing to you today to state our opposition to the U.S. Environmental Protection Agency's (EPA) Focused Feasibility Study (FFS).

The New Jersey Alliance for Action is a non-profit, non-partisan statewide coalition of more than 2,500 business, labor, professional, academic and government leaders. The Alliance is an advocate of investment in infrastructure for New Jersey's economy, environment and quality of life. Since our creation in 1974, we have worked closely with each New Jersey Governor, the Cabinet, the Legislature and local government as well as our members to create funding and secure permits for road, bridge and rail improvements, water projects, school construction, aviation enhancements, shore preservation, business expansion and other key infrastructure investments.

We are opposed to the FFS at this time because of a number of reasons:

- While the FFS has not been released yet, we understand that the EPA would prefer to implement a full bank-to-bank dredging of the lower eight miles of the River. We would like to understand the EPA's plans for removal of 11 million cubic yards of sediment from the River and how it will deal with the tremendous amount of long-term disturbance and inconvenience that a project of this scale would cause for employees and businesses in Northern New Jersey. We believe that a large scale dredging project would likely mean more than 20 years of disruption and increased traffic congestion for businesses and employees in Passaic, Essex, Hudson and Bergen counties.
- The FFS will only address the lower eight miles and will do nothing to address the upper 9 miles of the River, putting many communities like Garfield, Passaic, Clifton and Wallington at a disadvantage.
- We believe the EPA should allow the Lower Passaic River Study Area Cooperating Parties Group (CPG) to finish work on the Remedial Investigation/Feasibility Study (RI/FS) prior to the approval of a final remedy for the Lower Passaic River. Since 2007, the CPG has gathered thousands of samples from the River and spent millions of dollars to identify the extent of contamination in the Lower Passaic River. We are concerned with the EPA moving forward with an FFS for the lower eight miles of the River as data collected of

COUNTY ALLIANCES

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the full 17 miles of the Lower Passaic River during the RI/FS will be rendered useless and millions of dollars will have been wasted.

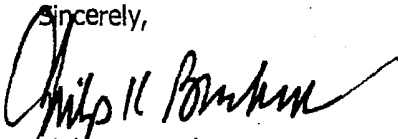
- The FFS will not address ongoing pollution that continues to enter the River each day. We believe it is important to develop programs and projects that can effectively address stormwater runoff, discharges from combined sewer outflows and other sources. These projects not only have environmental benefits for the River, but also economic benefits to the New Jersey workforce.
- We believe that the EPA has not explored all possible remedies for the Lower Passaic River and should work with the Lower Passaic River Study Area Cooperating Parties Group (CPG) on a cost-effective and common sense remedy that would address contamination in the full 17 miles of the Lower Passaic River.

We were briefed recently by the CPG about a proposal to clean up the River called the Sustainable Remedy. We think this is the right approach for the River as:

- the most highly contaminated sediment would be removed from the River in a quicker time period;
- it will address contamination throughout the full 17 miles of the Lower Passaic and benefits all communities that share their borders with the River;
- it will include important community projects – projects that could possibly be developed and constructed by Alliance for Action members and union workers – that will reduce ongoing pollution that continues to enter the River each day.

I respectfully request that the EPA consider the Sustainable Remedy as an alternative remedy prior to the release of the FFS.

Sincerely,



Philip K. Beachem  
President



## NEW JERSEY GENERAL ASSEMBLY

MARLENE CARIDE

ASSEMBLYWOMAN, 36TH DISTRICT  
613 BERGEN BOULEVARD  
RIDGEFIELD, NJ 07657  
PHONE: (201) 943-0615  
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### COMMITTEES

AGRICULTURE AND NATURAL RESOURCES  
TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES  
TELECOMMUNICATIONS AND UTILITIES

March 7, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Re: United States Environmental Protection Agency Region 2's Focused Feasibility Study

Dear Regional Administrator Enck:

As Assemblywoman of New Jersey District 36, I write to oppose the United State Environmental Protection Agency Region 2's Focused Feasibility Study (FFS). My district includes six (6) municipalities in the Lower Passaic River Study Area: East Rutherford, Lyndhurst, North Arlington, Passaic, Rutherford and Wallington. While it is difficult to comment on a document that has not been released, the document, reportedly, contains recommendations which will do nothing to assist these towns, will be detrimental to the restoration of the Lower Passaic River and will be disruptive to our community.

We urge Region 2 to set aside the FFS and allow the Remedial Investigation/Feasibility Study (RI/FS) for the entire 17 miles of the Lower Passaic River Study Area (LPRSA) to be completed as quickly as possible to examine all possible remedial alternatives. Together with all stakeholders, Region 2's focus must be on the development and implementation of one comprehensive remedial solution that restores the LPRSA and provides value to communities along the River.

In May 2007, the LPRSA Cooperating Parties Group (CPG) entered into an agreement with Region 2 to complete the RI/FS of the lower 17.4-miles of the Lower Passaic River – a process that is on schedule and slated to be completed in 2015 at a cost of over \$75 million. In June 2007, one month after the CPG and Region 2 executed the RI/FS Agreement, Region 2 issued its Draft FFS Report identifying remedial alternatives for final action for the sediments in the lower eight miles of the LPRSA. We understand that a revised draft FFS was presented to the National Remedy Review Board in December 2012, and the FFS and Proposed Plan are scheduled to be released in March 2013.

March 7, 2013  
Assemblywoman Caride  
Page 2 of 2

Re: United States Environmental Protection Agency Region 2's Focused Feasibility Study

We are in agreement that action needs to be taken to mitigate the contamination in the LPRSA. However, it is illogical to issue a final remedy for downstream before addressing upstream and ongoing contamination. It is also illogical to have two overlapping studies, especially since the data collected pursuant to the RI/FS should be considered in selecting a remedy for the full LPRSA. Since 2007, millions of dollars have been spent studying the LPRSA and characterizing the contamination to develop sound and effective remedial options. If Region 2 advances the FFS in the lower eight miles of the LPRSA, the data collected as part of the RI/FS throughout the 17-mile LPRSA will be rendered useless, as implementing a bank-to-bank remedy in the lower eight miles will result in recontamination throughout the LPRSA. Allowing years of work, millions of dollars and valuable data to be wasted would be completely irresponsible on the part of the EPA, and further delay any action in the upper nine miles of the river.

It is our understanding that the CPG has proposed an alternative remedy for the LPRSA called the Sustainable Remedy. As proposed, the Sustainable Remedy addresses the entire 17 miles of the LPRSA, not just the lower eight miles, and significantly reduces risk much quicker than the FFS without decades of dredging and community disruption. Based on what we know about the FFS, we believe the dredging proposed in the FFS will take decades – between 20 and 30 years – to complete, not the 6 to 11 years estimated by Region 2. We also have serious concerns about the bridge openings that will be required to support the FFS, the potential for significant traffic congestion, and potential air pollution that may result from a project of this magnitude.

The CPG is also proposing an out-of-river component as part of the Sustainable Remedy. This component would help reduce ongoing sources of contamination that continue to flow into the LPRSA and advance local projects that will improve and enhance the watershed. We see a great deal of value in the out-of-river component of the CPG's Sustainable Remedy. The FFS fails to provide any value whatsoever to those riverfront communities that have been forced to deal with a contaminated Lower Passaic River for decades.

Simply put, the FFS is premature. The decisions made this year will impact our community for the next 100 years. Accordingly, we strongly recommend that Region 2 set aside the FFS, allow the CPG to complete the RI/FS as quickly as possible, examine all remedial alternatives for the entire 17 miles of the LPRSA based on all data that is and will become available, and work with the CPG and the riverfront communities to advance one comprehensive remedial solution that restores the River and provides value to communities along the River.

Sincerely,



Marlene Caride  
Assemblywoman, District 36

MC/cs  
Via Regular Mail



**COUNTY OF BERGEN  
OFFICE OF THE COUNTY EXECUTIVE**

One Bergen County Plaza • Room 580 • Hackensack, NJ 07601-7076  
(201) 336-7300 • Fax (201) 336-7304

**Kathleen A. Donovan**  
*County Executive*

February 21, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, New York 10007-1866

**RE: PASSAIC RIVER**

Dear Regional Administrator Enck:

The purpose of this letter is to express Bergen County's opposition to the United States Environmental Protection Agency (EPA) Region 2's Focused Feasibility Study (FFS) and respectfully request the FFS immediately be dismissed in favor of a more comprehensive and sustainable solution for the entire 17 miles of the Lower Passaic River Study Area (LPRSA).

As you are well aware, the EPA's FFS is focused purely on the lower 8 miles of the Passaic River – from New York Harbor to Kearney. Based on recent presentations by the EPA before the Passaic River Community Advisory Group (CAG), it is my understanding that the FFS is contemplating two alternatives; a four (4) million cubic removal that is estimated to take six (6) years to complete and 11 million cubic yard removal that is estimated to take 11 years to complete.

While I wholeheartedly support action in the Passaic River, a very complicated River that has been studied for decades, Bergen County cannot and will not sit back and wait for action. The fact of the matter is the EPA's FFS provides nothing of value to Bergen County or our municipalities within the LPRSA. I am extremely concerned that a massive dredging operation in the lower 8 miles of the Passaic River will cause a significant and unacceptable delay of any meaningful restoration efforts north of Kearny.

As the steward of the environment in our region, the recent "discovery" of a hot spot on the shores of Lyndhurst, next to Bergen County's Riverside Park North, with extremely high levels of dioxin should cause you to take a step back and question the EPA's overall approach to the restoration of the Passaic River.

Judith A. Enck, Regional Administrator  
U.S. Environmental Protection Agency  
February 21, 2013  
Page 2

The hot spot in Lyndhurst should force each and every agency involved in this project— federal and state — to question the widely accepted belief that “the really bad stuff is in Newark.” We now know it’s not just in Newark. We now know we have high levels of dioxin in the upper River.

To this day, no one has been able to fully explain to me how or why we now have two (2) active environmental studies underway on the Passaic River at the same time — the FFS and the Remedial Investigation/Feasibility Study (RI/FS). It seems illogical and inefficient to initiate a deep dredging program in the southern portion of the River while a comprehensive study is underway to evaluate a remedy for the entire River.

I am concerned that a massive dredging operation in the lower 8 miles of a tidal River like the Passaic will cause significant recontamination and resuspension of dangerous chemicals and contaminants along the shores of Bergen County. Over the past 18 months, communities like North Arlington, Lyndhurst, Rutherford, Garfield and Wallington have been through enough with Hurricane Irene and Super Storm Sandy.

Bergen County believes there should be one (1) comprehensive study on the Passaic River that includes the full 17 miles of the LPRSA, not two. Bergen County believes that one (1) study should result in one (1) comprehensive remedial solution that not only reduces risk as quickly as possible, but also helps communities along the River manage ongoing sources of contamination and improves the quality of life along the Passaic River.

Bergen County has been made aware of an alternative approach developed by the Lower Passaic River Cooperating Parties Group (CPG) called the Sustainable Remedy. Bergen County believes this proposed remedy has merit and should be given full and fair consideration by the EPA, Governor Chris Christie and NJ DEP.

As I understand the CPG’s proposed alternative, the Sustainable Remedy contains two (2) core components — an in-River and an out-of-River component. The in-River component would address the entire 17 miles of the LPRSA and significantly reduce risk through a targeted removal program much quicker than the FFS, without decades of dredging and community disruption. My understanding is that the Sustainable Remedy will reduce risk by 70-80% in just five (5) years throughout the entire 17 miles of the LPRSA.

The out-of-River component would help reduce ongoing sources of contamination that continue to flow into the LPRSA and advance community projects that will improve and enhance the watershed. It makes no sense whatsoever to remediate the Passaic River and do nothing on the shores of the River to help manage ongoing sources of pollution and improve the communities along the Passaic River. Bergen County fully supports the out-of-River component of the Sustainable Remedy.

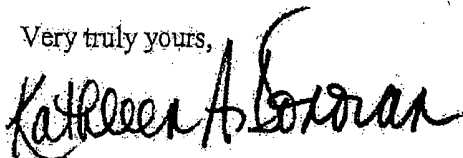
Through an examination of the multiple studies underway along the Passaic River, I respectfully request that you take some time to contemplate where these studies and projects are going and clearly define what

Judith A. Enck, Regional Administrator  
U.S. Environmental Protection Agency  
February 21, 2013  
Page 3

is the path forward for those families and businesses that live and work along the Passaic River. Is the objective of the Passaic River Restoration Project to remove millions and millions of cubic yards of material or is the objective to reduce risk as quickly as possible and improve the quality of life for those communities along the Passaic River?

For far too long, residents of Bergen County living along the Passaic River have been waiting and waiting for action. For far too long, communities have heard about this study and that study but have seen little action. It is time to advance a meaningful and workable environmental restoration program throughout the entire 17 miles of the LPRSA that reduces risk, improves the quality of life along the Passaic River and provides a clean path forward for those communities along the Passaic River.

Very truly yours,



Kathleen A. Donovan  
County Executive

KAD:ht

cc: NJ Congressional Delegation  
Honorable Chris Christie, Governor, State of New Jersey  
Bob Martin, Commissioner, NJDEP  
Bob Perciasepe, Acting Administrator, USEPA  
Bergen County State Legislative Delegation  
Bergen County Board of Freeholders  
Bergen County Municipalities  
Anthony DeNova, County Administrator, Passaic County





March 8, 2013

Judith A. Enck, Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Dear Regional Administrator Enck:

As president of Nereid Boat Club, I write to express concern over the consideration of remedies for the Lower Passaic River.

Nereid is a 501(c)3 organization dedicated to providing competitive and recreational rowing opportunities to athletes of all ages and skill levels. Founded in 1868 and re-established in 1994 in a historic building near RM 12 in Rutherford, Nereid's 280 members (140 adults, 140 high school and youth) row the proximate 10-mile stretch of the river roughly eight months of the year. Students from a dozen towns participate in Nereid programs. We also host Montclair Crew, one of the country's top high school teams.

Together with our neighbor club, the Passaic River Rowing Association, we run the Head of the Passaic Regatta each October. In recent years, participation has grown from 400 to 1200 rowers. With these youth, college and adult rowers come some 2,000 additional spectators who enjoy a beautiful autumn day on the banks of the Passaic. These activities symbolize the potential and promise of the river. I enclose several photos of the 2012 regatta and our recently renovated property.

Our interest in the remediation process is in minimizing the impact on rowing and maximizing long-term opportunities for the safe and accessible use of this precious waterway. A principal concern is appropriate land-use development and remediation: poorly regulated adjacent uses and development continue to result in excessive floatables in the river – a chronic hazard and eyesore that impede its recreational use.

On February 5, we met with representatives of the Lower Passaic River Study Area Cooperating Parties Group (CPG) to learn more about the work at RM 10.9 in Lyndhurst. Another Nereid board member and I also attended the January public briefing in Lyndhurst. We were very appreciative of both updates and look forward to maintaining close contact with EPA and CPG as this work progresses.

In addition, while we understand that U.S. Environmental Protection Agency Region 2's Focused Feasibility Study (FFS) has not been released, we are concerned that it will be concluded prior to a full consideration of all options, including the CPG's Remedial Investigation/Feasibility Study (RI/FS) of the lower 17 miles and the Sustainable Remedy.

Certainly, the best decisions come when the most information is available. We understand the imperative to move forward but nonetheless request that EPA delay the FFS release in order to review all options carefully. To that end, we ask that EPA allow CPG a reasonable additional period of time to complete the RI/FS before moving forward with the FFS release and implementation of a final remedy.

We deeply appreciate the dedication of EPA and its staff in ensuring the future of the Passaic River. Please consider us partners in this effort.

Sincerely,

Peter Willcox  
President

NEREID BOAT CLUB  
P.O. Box 1678  
350 Riverside Avenue  
Rutherford, NJ 07070  
[www.nereidbc.org](http://www.nereidbc.org)



4. There is the risk of recontamination, as is the case with any large scale dredging operation, in the lower 8 miles of the River and upstream due to the tidal nature of the River. This fact will burden communities throughout the full 17 miles of the Lower Passaic River if a comprehensive solution to address all of the contamination is not found.
5. Stormwater runoff, discharges from combined sewer outflows and other sources continue to contribute to pollution in the Lower Passaic River. In January, the State Chamber expressed our opposition to S-2094 and A-3128 in the New Jersey State Legislature, which would remove public sewage and wastewater entities from liability issues pertaining to hazardous discharges into the Passaic River. We believe this legislation unfairly removes public sector liability and mounts full responsibility on private industry. Ultimately, this bill would set in motion a bad public policy precedent for environmental cleanups throughout the state.
6. We believe that the EPA has not explored all possible remedial alternatives and should work with all stakeholders on the development of a comprehensive solution to clean up the lower 17 miles of the Lower Passaic River.

We understand that the CPG has proposed an alternative remedy to EPA called the Sustainable Remedy. The State Chamber believes that this comprehensive solution can help to quickly and effectively clean up contaminated sediment in the Lower Passaic River in a time period and economic scale that benefits all parties and communities along the River.

There are a number of positives to the Sustainable Remedy including the fact that it: will target the areas of highest surface sediment concentration and reduce risk to the public and River ecology in a quicker amount of time; address contaminated sediment in the full 17 miles of the Lower Passaic River, instead of just the lower eight miles; and include community projects that can help to reduce the large amount of pollution that continues to enter in the River every day.

We appreciate the opportunity to express our views and respectfully urge the EPA Region 2 to consider the Sustainable Remedy as an alternative remedy prior to the release of its FFS later this year.

Sincerely,



Michael A. Egerton  
Senior Vice President  
Government Relations

**MONTCLAIR STATE UNIVERSITY**  

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**PASSAIC RIVER**  
**INSTITUTE**  

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The College of Science and Mathematics

March 18, 2013

Ms. Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 26<sup>th</sup> Floor  
New York, NY 10007-1866

Dear Regional Administrator Enck:

At our fifth Passaic River Symposium held on October 19<sup>th</sup>, there was a in-depth discussion on the path forward for sediment remediation, restoration, and economic development of the lower Passaic River and the impending release of the U.S. Environmental Protection Agency (EPA) Region 2's Focused Feasibility Study (FFS). While the Passaic River Institute (PRI), elected officials and other members of the community look forward to the release of the FFS later this year, we were interested to learn recently about another approach to addressing sediment remediation in the lower Passaic River utilizing an Adaptive Management Approach.

As you know, the PRI continues to build a scientific community with a focus on the river basin, conducting cutting-edge research, providing environmental training and education programs and promoting public awareness in watershed and sustainability sciences. The PRI has a central role in approaching and seeking solutions for the vast environmental challenges within the Passaic River Basin, including tributaries and surrounding watershed lands. The PRI brings together over 45 physical, biological and social scientists and engineers from Montclair State University (MSU) and partner institutions to study the trans-disciplinary environmental perturbations within the Passaic River basin. Furthermore, the PRI provides broad environmental services with expertise, independent integrity, and value. The Institute's scientists and experts as well as our strong credentials, academic credibility and university facilities offer unique advantages in investigating and managing complex environmental challenges.

On January 18, representatives of the PRI, professors from Montclair State University and Dr. Robert Prezant, Dean, College of Science and Mathematics, at their invitation met with representatives of the Lower Passaic River Study Area Cooperating Parties Group (CPG) to learn about a proposal to address sediment contamination and sources of ongoing pollution. In the audience were other Earth and Environmental Studies and Biology Department faculty from the MSU College of Science and Mathematics. These included hydro-geologists, geographers, analytical chemists, marine and freshwater scientists, water resource and sediment remediation faculty. The presentation by the representatives of the CPG Group outlined an Adaptive Management Approach. Whereas studies that have been undertaken in the CPG's Remedial Investigation/Feasibility Study show that natural recovery is occurring in the River and by removing the highest surface sediment contamination, they propose addressing the highest risks to human and ecological health of the River.

[montclair.edu/csam](http://montclair.edu/csam)

1 Normal Avenue • Montclair, NJ 07043 • 973-655-5423

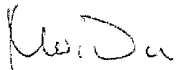
**MONTCLAIR STATE UNIVERSITY**

**PASSAIC RIVER  
INSTITUTE**

The College of Science and Mathematics

The PRI, as a research institute, expressed our interest in working with the CPG to help better understand the viability of their approach. Specifically, the PRI retains neutrality in considering the best approach from those currently on the table. Instead we advocate solely for data driven methodologies and are glad to help with those assessments. We have suggested to the CPG that we could support efforts to facilitate integrated approaches for assessment, remediation and restoration of the River where Adaptive Management can have a beneficial outcome.

Sincerely,



Meiyin Wu, Ph.D.  
Director  
Passaic River Institute  
Montclair State University  
Montclair, NJ 07039

[montclair.edu/csam](http://montclair.edu/csam)

1 Normal Avenue • Montclair, NJ 07043 • 973-655-5423



## NEW JERSEY SENATE

PAUL A. SARLO  
DEPUTY MAJORITY LEADER  
36TH LEGISLATIVE DISTRICT  
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COMMITTEES  
CHAIRMAN  
BUDGET AND APPROPRIATIONS  
JUDICIARY  
HIGHER EDUCATION  
LEGISLATIVE OVERSIGHT

February 14, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Dear Regional Administrator Enck:

As Senator of New Jersey District 36, which includes several municipalities along the Passaic River, I write to you today to oppose the United States Environmental Protection Agency Region 2's Focused Feasibility Study (FFS). While it is difficult to comment on a document that has not been released, we have learned the document is reported to contain recommendations we believe would be detrimental to the restoration of the Lower Passaic River and disruptive to our community.

We urge Region 2 to set aside the FFS and allow the Remedial Investigation/Feasibility Study (RI/FS) for the entire 17 miles of the Lower Passaic River Study Area (LPRSA) to be completed as quickly as possible to examine all possible remedial alternatives. Together with all stakeholders, Region 2's focus must be on the development and implementation of one comprehensive remedial solution that restores the LPRSA and provides value to communities along the River.

In May 2007, the LPRSA Cooperating Parties Group (CPG) entered into an agreement with Region 2 to complete the RI/FS of the lower 17.4-miles of the Lower Passaic River – a process that is on schedule and slated to be completed in 2015 at a cost of over \$75 million. In June 2007, one month after the CPG and Region 2 executed the RI/FS Agreement, Region 2 issued its Draft FFS Report identifying remedial alternatives for final action for the sediments in the lower eight miles of the LPRSA. We understand that a revised draft FFS was presented to the National Remedy Review Board in December 2012, and the FFS and Proposed Plan are scheduled to be released in March 2013.



## NEW JERSEY SENATE

PAUL A. SARLO  
DEPUTY MAJORITY LEADER  
36TH LEGISLATIVE DISTRICT  
496 COLUMBIA BOULEVARD, 1ST FLOOR  
WOOD-RIDGE, NJ 07075  
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COMMITTEES  
CHAIRMAN  
BUDGET AND APPROPRIATIONS  
JUDICIARY  
HIGHER EDUCATION  
LEGISLATIVE OVERSIGHT

Ms. Judith A. Enck  
February 14, 2013  
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We are in agreement that action needs to be taken to mitigate the contamination in the LPRSA. However, it is illogical to issue a final remedy for downstream before addressing upstream and ongoing contamination. It is also illogical to have two overlapping studies, especially since the data collected pursuant to the RI/FS should be considered in selecting a remedy for the full LPRSA. Since 2007, millions of dollars have been spent studying the LPRSA and characterizing the contamination to develop sound and effective remedial options. If Region 2 advances the FFS in the lower eight miles of the LPRSA, the data collected as part of the RI/FS throughout the 17-mile LPRSA will be rendered useless, as implementing a bank-to-bank remedy in the lower eight miles will result in recontamination throughout the LPRSA. Allowing years of work, millions of dollars and valuable data to be wasted would be completely irresponsible on the part of the EPA, and further delay any action in the upper nine miles of the river.

It is our understanding that the CPG has proposed an alternative remedy for the LPRSA called the Sustainable Remedy. As proposed, the Sustainable Remedy addresses the entire 17 miles of the LPRSA, not just the lower eight miles, and significantly reduces risk much quicker than the FFS without decades of dredging and community disruption. Based on what we know about the FFS, we believe the dredging proposed in the FFS will take decades – between 20 and 30 years – to complete, not the 6 to 11 years estimated by Region 2. We also have serious concerns about the bridge openings that will be required to support the FFS, the potential for significant traffic congestion, and potential air pollution that may result from a project of this magnitude.

The CPG is also proposing an out-of-river component as part of the Sustainable Remedy. This component would help reduce ongoing sources of contamination that continue to flow into the LPRSA and advance local projects that will improve and enhance the watershed. We see a great deal of value in the out-of-river component of the CPG's Sustainable Remedy. The FFS fails to provide any value whatsoever to those riverfront communities that have been forced to deal with a contaminated Lower Passaic River for decades.



## NEW JERSEY SENATE

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Simply put, the FFS is premature. The decisions made this year will impact our community for the next 100 years. Accordingly, we strongly recommend that Region 2 set aside the FFS, allow the CPG to complete the RI/FS as quickly as possible, examine all remedial alternatives for the entire 17 miles of the LPRSA based on all data that is and will become available, and work with the CPG and the riverfront communities to advance one comprehensive remedial solution that restores the River and provides value to communities along the River.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Sarlo", written over a circular stamp or seal.

Paul A. Sarlo  
Senator, District 36





## NEW JERSEY GENERAL ASSEMBLY

**RALPH R. CAPUTO**  
ASSEMBLYMAN, 28TH DISTRICT  
NUTLEY, GLEN RIDGE, BLOOMFIELD  
IRVINGTON AND NEWARK PARTIAL  
  
148-152 FRANKLIN STREET  
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(973) 450-0484  
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EMAIL: AsmCaputo@njleg.org

March 6, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Dear Regional Administrator Enck:

As an Assemblyman representing the Essex County municipalities of the City of Newark and the Township of Nutley along the Passaic River, I write to you today to respectfully oppose the United States Environmental Protection (EPA) Region 2's Focused Feasibility Study (FFS). It is my belief that such action, although borne of good intentions, would have an adverse effect on river restoration and cause a major disruption for my constituents.

My concerns regarding the FFS stem from the massive dredging options proposed for the lower eight miles of the Passaic River, including the possibility of a cap spanning from river bank to river bank. Recently, information has come to my attention which indicates that there are two alternatives being proposed in the lower 8 miles: a four (4) million cubic yard removal that is estimated to take six years to complete and an 11 million cubic yard removal that is estimated to take 11 years to complete.

It is my opinion that the assumed dredging rates are overly aggressive and that this project is likely to take decades to finish. It appears as though the EPA is grossly under estimating the unique challenges of dredging in an urbanized tidal River like the Passaic River. More importantly, the FFS does nothing to help the Township of Nutley and the Township of Belleville, a community I represented for many years up until the redistricting in 2010. The fact of the matter is the action in the lower 8 miles of the River does nothing but force municipalities like Nutley and Belleville to wait even longer for action.

While the Passaic River has been studied extensively, it is my belief that the FFS will cause more damage than good. A massive dredging project of this magnitude in the lower eight miles of the River would severely impact the quality of life for the residents of these communities.

Furthermore, addressing the contamination downstream, just to go upstream when the lower eight mile dredge is complete, seems illogical and inefficient, particularly in light of the discovery of a new "hot-spot" in Lyndhurst. I am concerned such a massive removal in the southern portion of the River will cause significant resuspension and recontamination and will present even more of a health-risk to the River and my constituents. I question the overall efficacy and approach of the FFS when there is another study being conducted that encompasses the entire 17 miles of the River.

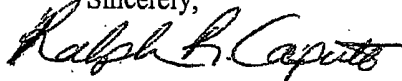
In my discussions with other state and municipal elected officials along the River, I have learned of the benefits of the alternative proposed by the Lower Passaic River Cooperating Parties Group (CPG) called the Sustainable Remedy. My understanding of the Sustainable Remedy is that it addresses in-river contamination by removing targeted "hot-spots" throughout the entire 17 miles of the River using less invasive and less disruptive techniques. I am told that this approach would reduce risk by up to 80% throughout the entire 17 miles of the River in five short years.

In addition to the targeted removal, the Sustainable Remedy contains an out-of-river component, consisting of community based projects along the river banks that would help reduce and manage ongoing sources of contamination and improve the watershed. As far as I know, the FFS does not contemplate any out-of-river work that would improve the watershed, reduce runoff, and provide benefits to local communities. I am having a very difficult time understanding why the EPA would have such a myopic view towards the Passaic River and not implement out-of-river projects that complement and support the in-river removal.

Both active environmental studies underway on the Passaic River-the FFS and the Remedial Investigation/Feasibility Study (RI/FS)-deserve to be analyzed on their merits. Moving forward with one, without the results of the other, certainly appears to be short-sighted. Going south to go north makes no sense to me. Making assumptions that 700,000 cubic yards of sediment can be dredged out of the Passaic River each year is over ambitious. Doing nothing on the banks of the River to help manage ongoing sources while the River is being restored seems unscientific.

For far too long the residents along the Passaic River have been waiting for relief and a clear path forward for the restoration of the River. I respectfully request that you and the professional staff at the EPA give the proposed Sustainable Remedy a very close examination. If there is a way we can restore the entire 17 miles of the Passaic River, reduce risk quicker and more efficiently than what is being proposed and advance community based projects that will help manage ongoing sources while improving the watershed, the EPA and the NJDEP should give the proposal its full and objective consideration.

Sincerely,



Ralph R. Caputo  
Assemblyman, 28<sup>th</sup> District  
New Jersey General Assembly

Cc: Acting EPA Administrator Bob Perciasepe  
NJ Congressional Delegation  
Honorable Chris Christie, Governor, State of New Jersey  
Commissioner Bob Martin, NJ DEP  
Essex County Executive Joseph DiVincenzo  
Essex County, Board of Freeholders



# City of Garfield

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GARFIELD, NEW JERSEY 07026-2694  
[jdelaney@garfieldnj.org](mailto:jdelaney@garfieldnj.org)



JOSEPH P. DELANEY  
MAYOR

CITY HALL: (973) 340-2439  
CELL: (973) 934-2597  
FAX: (973) 340-5183

November 25, 2013

The Honorable Senator Robert Menendez  
528 Hart Senate Office Building  
United States Senate  
Washington, DC 20510-3005

Dear Senator Menendez:

I am writing to you today on behalf of the City of Garfield, to request that your office ask EPA Region 2 to fully consider the merits of the Sustainable Remedy as part of its review of remedial options for the Lower Passaic River.

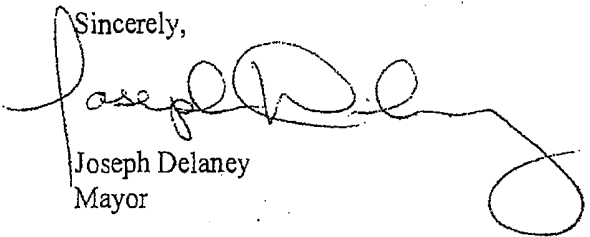
EPA Region 2 has stated that it plans to release a Focused Feasibility Study and Proposed Remedial Action Plan (FFS/PRAP) for this area later this year and that the Region is likely to recommend a bank-to-bank dredge of the entire lower 8 miles. We have concerns that this remedy will be lengthy, intrusive to the community and provide little flexibility for adjustment if its goals are not being met.

We appreciate the hard work that EPA Region 2 has done related to the FFS/PRAP, but we hope that the Region will step back and take an objective look at the practical issues involved in removing millions of cubic yards of material from this congested and urbanized waterway.

The Sustainable Remedy could be implemented more quickly, would be less intrusive yet effective and still allow the opportunity for additional work if needed. In addition to addressing contaminated sediment, this remedy also includes green infrastructure projects that would reduce the pollution that continues to enter the River.

EPA Region 2 is aware of the substantial logistical challenges encountered during the removal action ongoing in Lyndhurst. A bank-to-bank dredge potentially removing hundreds of times as much material would likely be a process our communities would have to live with for decades. After all the time we have waited for meaningful action on the Lower Passaic, and with action potentially so close at hand, let's make sure we choose a remedy that is right for the Lower Passaic and for our communities.

Sincerely,

  
Joseph Delaney  
Mayor

JD/p

cc: Congressman Wm. Pascrell  
City Council  
T. Duch, City Manager



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